

JAN 19 2001
EDUCATION

WITHDRAWN
1-15-02
HOUSE FILE 74
BY ROBERTS

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to suspension of a practitioner by the board of
2 directors of a school district.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 74

1 Section 1. Section 279.16, unnumbered paragraphs 6 and 10,
2 Code 2001, are amended to read as follows:

3 If the teacher fails to timely request a private hearing or
4 does not appear at the private hearing, the board may proceed
5 and make a determination upon the superintendent's
6 recommendation. If the teacher fails to timely file a request
7 for a private hearing, the determination shall be not later
8 than May 31. If the teacher fails to appear at the private
9 hearing, the determination shall be not later than five days
10 after the scheduled date for the private hearing. The board
11 shall convene in open session and by roll call vote determine
12 the termination or continuance of the teacher's contract, and,
13 if the board votes to continue the teacher's contract, whether
14 to suspend the teacher with or without pay for a period
15 specified by the board.

16 When the board has reached a decision, opinion, or
17 conclusion, it shall convene in open meeting and by roll call
18 vote determine the continuance or discontinuance of the
19 teacher's contract, and, if the board votes to continue the
20 teacher's contract, whether to suspend the teacher with or
21 without pay for a period specified by the board. The record
22 of the private conference and findings of fact and exceptions
23 shall be exempt from the provisions of chapter 22. The
24 secretary of the board shall immediately mail notice of the
25 board's action to the teacher.

26 Sec. 2. Section 279.24, unnumbered paragraphs 8, 11, and
27 13, Code 2001, are amended to read as follows:

28 Within five days after receipt of the written notice that
29 the school board has voted to consider termination of the
30 contract, the administrator may request in writing to the
31 secretary of the school board that the notification be
32 forwarded to the board of educational examiners along with a
33 request that the board of educational examiners submit a list
34 of five qualified administrative law judges to the parties.
35 Within three days from receipt of the list the parties shall

1 select an administrative law judge by alternately removing a
2 name from the list until only one name remains. The person
3 whose name remains shall be the administrative law judge. The
4 parties shall determine by lot which party shall remove the
5 first name from the list. The hearing shall be held no sooner
6 than ten days and not later than thirty days following the
7 administrator's request unless the parties otherwise agree.
8 If the administrator does not request a hearing, the school
9 board, not later than May 31, may determine the continuance or
10 discontinuance of the contract, and, if the board determines
11 to continue the administrator's contract, whether to suspend
12 the administrator with or without pay for a period specified
13 by the board. School board action shall be by majority roll
14 call vote entered on the minutes of the meeting. Notice of
15 school board action shall be personally delivered or mailed to
16 the administrator.

17 If the administrator appeals to the school board, or if the
18 school board determines on its own motion to review the
19 proposed decision of the administrative law judge, a private
20 hearing shall be held before the school board within five days
21 after the petition for review, or motion for review, has been
22 made or at such other time as the parties agree. The private
23 hearing is not subject to chapter 21. The school board may
24 hear the case de novo upon the record as submitted before the
25 administrative law judge. In cases where there is an appeal
26 from a proposed decision or where a proposed decision is
27 reviewed on motion of the school board, an opportunity shall
28 be afforded to each party to file exceptions, present briefs
29 and present oral arguments to the school board which is to
30 render the final decision. The secretary of the school board
31 shall give the administrator written notice of the time,
32 place, and date of the hearing. The school board shall meet
33 within five days after the hearing to determine the question
34 of continuance or discontinuance of the contract, and, if the
35 board determines to continue the administrator's contract,

1 whether to suspend the administrator with or without pay for a
2 period specified by the board. The school board shall make
3 findings of fact which shall be based solely on the evidence
4 in the record and on matters officially noticed in the record.

5 When the school board has reached a decision, opinion, or
6 conclusion, it shall convene in open meeting and by roll call
7 vote determine the continuance or discontinuance of the
8 administrator's contract, and, if the board votes to continue
9 the administrator's contract, whether to suspend the

10 administrator with or without pay for a period specified by
11 the board. The record of the private conference and findings
12 of fact and exceptions shall be exempt from the provisions of
13 chapter 22. The secretary of the school board shall
14 immediately personally deliver or mail notice of the school
15 board's action to the administrator.

16 EXPLANATION

17 This bill adds a third option to the procedures a board of
18 directors of a school district must follow when considering
19 the disposition of a teacher's or administrator's contract.
20 Currently, the Code provides procedures for a continuation or
21 termination of a teacher's or administrator's contract. This
22 bill adds to those procedures the ability of the school board
23 to suspend, with or without pay, a teacher or an
24 administrator.

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